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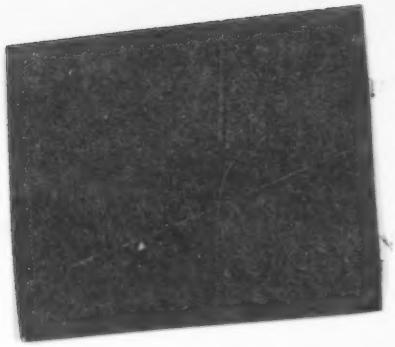
AND PROTECTION OF MINORITIES

Forty-ninth session



SUMMARY RECORD OF THE 21st MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 19 August 1997, at 3 p.m.

Chairman: Mr. BENGOA

later: Mr. MAXIM

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(continued)

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The meeting was called to order at 3.20 p.m.

PREVENTION OF DISCRIMINATION AGAINST AND THE PROTECTION OF MINORITIES (agenda item 8) (continued) (E/CN.4/Sub.2/1997/18)

1. Mr. ALI KHAN congratulated Mr. Eide on his scrupulous and detailed account of the work of the Working Group on Minorities on its third session (E/CN.4/Sub.2/1997/18). The extremely long list of Governments and non-governmental organizations (NGOs) represented at that session (paras. 5 to 11) revealed the increasing interest shown in the question of minorities and in the Committee's work.

2. The Working Group had tackled the important question of defining minorities (paras. 99 to 104) in the light of Mr. Chernichenko's working paper on the subject (E/CN.4/Sub.2/AC.5/1997/WP.1). It was certainly difficult - and some might say impossible - to provide a precise legal definition of minorities, but that should not prevent the Working Group from gradually coming to grips with the problem, perhaps by a process of elimination, in other words, deciding what did not constitute a minority. In that respect, by trying to make a distinction between indigenous populations and minorities, Mr. Chernichenko had made a vital contribution to the Committee's work.

3. In his report, Mr. Eide had given an account of the Working Group's discussion of the issue of citizenship (paras. 96 to 98), a subject on which the speaker had devoted a working paper (E/CN.4/Sub.2/AC.5/1997/WP.9). The fact that the Working Group had decided that the Sub-Commission should consider the right to citizenship in the context of minority rights revealed the importance it attached to that matter (para. 121)

4. As for the possible solutions to problems involving minorities, the Working Group had decided to recommend that the Sub-Commission should urge States to make wider use of bilateral treaties (para. 114) and to request the High Commissioner for Human Rights to develop and implement procedures for conflict prevention in which members of minorities as well as of majorities would participate in dialogue from the earliest possible moment, and ensure that minorities as well as majorities were included in peace-keeping and post-conflict peace-building (para. 116). Contrary to what was believed in certain circles, he was of the view that it was quite in order for the Working Group to make such recommendations since its function, under its mandate, was to examine possible solutions to problems involving minorities, including the promotion of mutual understanding between and among minorities and Governments and to recommend further measures, as appropriate, for the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities (para. 2). In that way the Working Group could make a major contribution to the settlement of disputes involving minorities, not only in Europe but also - what was very important - in Asia and in Africa.

5. It was in that spirit that the Working Group had recommended the organization of a seminar on multicultural and intercultural education (para. 57). He personally preferred the term intercultural to multicultural, since it emphasized exchanges of views and experience and the fact that such exchanges were a source of mutual enrichment for various cultural groups.

6. In conclusion, he expressed his conviction that the Commission on Human Rights would extend the mandate of the Working Group which, according to a representative of the Centre for Human Rights at a previous meeting, played a capital role in United Nations activities.

7. Ms. McDOUGALL, referring to the historical significance of the African slave trade, noted that slaves had been brought not only to North America - as in the case of her own ancestors - but also to Central Africa, the Caribbean region and South America. Yet it was certainly in the United States where the legacy of slavery was still the most severe. It was for that reason that Mr. Thurgood Marshall, the first African American member of the United States Supreme Court, had stated that "the position of the Negro today in America is the tragic but inevitable consequence of centuries of unequal treatment". For example, 46 per cent of Black American children lived below the poverty level compared to 17 per cent of white children. The infant mortality rate among Black Americans was twice that of the population as a whole and the life expectancy of African American men was 8.3 years less than for their white counterparts. Moreover, African Americans were constantly encountering racism and their brushes with the law were very often marred by injustice on the part of the police, prosecutors, judges and prison guards.

8. The Commission and Sub-Commission should maintain their dialogue with the United States about the persistence of both direct and indirect discrimination against minority communities, and she urged the Committee on the Elimination of Racial Discrimination to initiate a dialogue of that nature with the United States, which had now become a party to the International Convention on the Elimination of All Forms of Racial Discrimination.

9. Many descendants of black slaves were also living in other countries of the American continent, and particularly in Latin America. The Inter-American Development Bank had made a study of the situation and had emphasized that most of them lived in extreme poverty and were victims of discriminatory practices in the legal, judicial, political, economic and educational spheres. With the exception of countries such as the United States, Brazil and Cuba, which had relatively large and politically active black minorities, or others such as Haiti, Jamaica and the Dominican Republic where blacks were in the majority, it could be said that the international community had failed to take sufficient notice of the communities of African descent in the rest of the Americas, namely, in Honduras, Nicaragua, Costa Rica, Peru, Ecuador, Colombia, Venezuela, Uruguay, Bolivia, Paraguay and Brazil. It was distressing to note that between 10 and 50 million Africans had been dragged from their homes and shipped to the Americas and that so far neither apologies not just compensation had been forthcoming for that crime. At the present time, nearly 500 years after the beginning of the slave trade, most descendants of slaves continued to suffer from the legal, political, and economic legacies of the slave trade. On the threshold of the third millennium, the time had come to recognize and do something about that tragedy.

10. Unfortunately it was difficult to analyse the situation of black communities in Latin America for want of accurate statistical data about their numbers and living conditions. The countries concerned should therefore be encouraged to recognize the existence of those disadvantaged communities and international bodies and agencies invited to collect more detailed and

reliable information about their condition. She noted in that connection that the Committee on the Elimination of Racial Discrimination had expressed concern about the situation of populations of African descent in countries such as Brazil, Colombia, Cuba and Costa Rica. Mr. Glélé Ahanhanzo, the Special Rapporteur on contemporary forms of racism, racial discrimination and xenophobia and related intolerance had also raised the issue during his missions to the United States, Brazil and Colombia. The Sub-Commission for its part could collect the limited information available on the situation of those populations and that should in itself demonstrate the pressing need for additional information and study, including the need for Governments routinely to disaggregate demographic and economic data by race.

11. The world was witnessing a resurgence of racism, racial discrimination, xenophobia, intolerance, racist propaganda and incitation to racial hatred, and the international community should more than ever before focus attention on the situation of descendants of African slaves throughout the Americas, and particularly on those who had remained virtually invisible at the international level so far.

12. Mr. Maxim took the Chair.

13. Mr. GJONBALAJ (Transnational Radical Party) said that the break-up of the former Yugoslavia had brought attention to bear on many unsolved issues, such as that of the Albanians in Kosovo and in the former Yugoslav Republic of Macedonia, which could threaten the long-term stability of the region. The Kosovo issue was not covered by the Dayton Peace Agreement or by any other agreement; the situation created thereby was becoming increasingly dangerous, since Albanians constituted 90 per cent of Kosovo's population and their everyday life was endangered by the repressive measures of the Belgrade authorities. At the end of January 1997, after a spate of violent incidents in Kosovo, some 100 persons had been arrested and 18 ethnic Albanians had been accused of fomenting trouble. Several NGOs in Kosovo had reported that the accused had been tortured and forced by the police to sign confessions, that they had not been allowed to meet their lawyers and that their right to a free trial had not been respected. His organization therefore endorsed the request by the European Union that an independent mechanism along the lines of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in the former Yugoslavia should monitor the situation closely, taking into account the criticism formulated against the courts and police of Kosovo. The fact that, in April 1997, the European Union had granted Yugoslavia preferential trade status revealed the international community's indifference to the violations of the human rights of Albanians in Kosovo, and it was regrettable that the concessions granted by the international community to the Belgrade regime had not been subject to conditions designed to guarantee the fundamental rights of all citizens of Kosovo. It was encouraging to note, however, that the international community had arranged a dialogue between the parties to the conflict; that was certainly a step in the right direction. Since the Kosovo issue must be resolved by granting the people the right to self-government, his organization called upon the Sub-Commission to recommend the organization of an international conference on Kosovo, as proposed by the

European Union and the United Nations, at which all contentious questions including the status of Kosovo could be negotiated between Serbia and the representatives of the Albanian people under the auspices of the United Nations.

14. Referring to the former Yugoslav Republic of Macedonia, he recalled that after the secession of 1992 the Constitution had been amended to the detriment of all non-Slavs, Albanians since then being treated as a minority. Yet that State was a party to several international instruments that proclaimed the principle of the equality of rights for all citizens of a country. Albanians were therefore calling for the adoption of a new constitution that would protect all their rights, and particularly their right to education in their own language. Moreover, he noted that hundreds of Albanians had remained imprisoned since various incidents with the Macedonian police, which had resulted in four deaths and dozens of injured.

15. His organization therefore urged the Sub-Commission to do everything in its power to get the parties to the conflict to the negotiating table. It should also call upon the Government of the former Yugoslav Republic Macedonia to take all the necessary constitutional, legislative, administrative and other measures to promote and protect the rights of all citizens of the country, regardless of their ethnic origin, to release all prisoners and to clarify the circumstances of the latest incidents, indicating whether the rule of law had been respected.

16. Mr. ROSSI (International Association for Religious Freedom) said it was deplorable that in many States religious minorities were unable to enjoy the rights proclaimed in the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities. In China, for example, although the Constitution stated that Chinese citizens enjoyed religious freedom, various decrees adopted by the Government in 1994 severely limited that freedom for religious minorities, whose activities were subject to control and restrictions. Members of those minorities were also discriminated against at the political level, because access to public office required that a person had to be a member of the Communist Party and therefore an atheist. In Tibet, the Chinese authorities had recently interfered in the internal affairs of the Buddhist minority and several monks who had been asked to renounce the Dalai Lama had preferred to leave their monasteries.

17. In Sudan, notwithstanding official statements recognizing religious freedom for all, Christian minorities and Animists had been discriminated against during the past few years; many places of Christian worship had been demolished by the police and Catholic schools had been razed. Since the beginning of the year the Sudanese Council of Churches had been deprived of the right to distribute foodstuffs in camps for displaced persons situated around Khartoum. Yet in those same camps Muslims went about their work of almost forcing Christians and Animists to convert to Islam without let or hindrance.

18. In Pakistan, violence was often employed by Islamist extremists against non-Muslim religious minorities. Examples included the destruction in February 1997 of Christian places of worship, schools and houses by Muslims, as well as the brutal police repression of a peaceful Christian demonstration

one week later at Karachi. Mr. Feroz Masih, one of the demonstrators, was killed and one of the organizers of the demonstration had been held responsible for his death. His organization called upon the authorities of Pakistan to protect religious minorities, to punish those actually responsible for the death of Feroz Masih and to withdraw their accusations of murder against the organizers of the demonstration.

19. In conclusion, his organization requested the Sub-Commission to recommend to the Working Group on Minorities that it should undertake a more thorough study of situations concerning religious minorities.

20. Mr. EIBNER (Christian Solidarity International) drew attention to the situation of Sudan's religious and ethnic minorities who were oppressed and disenfranchised. The Beja, for example, a Muslim nomadic tribe of some 3 million which had its own language and culture, were at present victims of the violent hostility of the National Islamic Front (NIF) which was seeking to impose its totalitarian ideology upon them. NIF had seized their mosques, Koranic schools and social institutions, replaced school curricula by the ideology of Jihad, closed health-care centres and social services, confiscated their fertile ancestral agricultural land for the benefit of its supporters and forcibly conscripted young Beja men into the army to be sent to the front in the southern part of the country. In addition, villages were bombarded, prisoners tortured, movement in closed areas was forbidden and humanitarian aid denied as part of a new policy of collective punishment because the Beja rejected NIF's policy and ideology.

21. Yet the repression of the Beja was simply one facet of the Jihad that NIF had declared against the minorities of Sudan and whose main victims had been its black African communities (Muslims, Christians and Animists), particularly in the southern and central war zone. The prisons of Khartoum and other northern towns were full of Arab Muslims who belonged to traditional religious groups such as the Ansars and Khatmiya. Before escaping, the last democratically-elected Prime Minister of Sudan and spiritual leader of the Ansars had been imprisoned and tortured on several occasions by those who had seized power in a military coup.

22. In view of that situation, his organization called upon the Sub-Commission to endorse the full range of policy recommendations it had made in its recent field-trip report. The Working Group on Minorities should give due attention to the desperate plight of the Beja and other oppressed Sudanese and call upon the International Committee of the Red Cross and United Nations agencies to devise strategies for the delivery of food and basic medicines to the Beja and to all other ethnic and religious minorities which were now ravaged by starvation and disease as a result of the humanitarian aid embargo imposed on them by NIF. In conclusion, he categorically denied the accusations that had been directed against his organization at the previous meeting by the observer for Sudan and once again denounced the merciless war being waged by NIF against Muslims, Christians and Animists in that country.

23. Mr. PANDITA (African Commission of Health and Human Rights Promoters) said he was gratified that various United Nations bodies were beginning to consider the collective rights of groups. His organization appreciated the contribution made by Mr. Eide in analysing the various dimensions of the

problems of minorities, and was of the view that the work done over the previous three years by the Working Group on Minorities had made it possible to develop conditions necessary to protect their rights.

24. His organization wished to make two proposals on that subject. First, it would be well if the leaders of the major religions of the world were to become actively involved in the task of protecting the rights of all religious minorities and in harmonizing interfaith relationships. The Working Group might therefore devote an entire session to the question of religious minorities by inviting leaders of the major world religions. If that idea was accepted, his organization could formulate specific suggestions in that connection. Secondly, the Sub-Commission could divide up work on the protection of minorities between three consultative working groups - for Asia, Africa and Latin America; those groups would study the specificity and problems of religious minorities and means of protecting them.

25. Referring to the recommendation made by Mr. Eide and accepted by the Sub-Commission concerning the establishment of a special committee of the Commission to examine conflicts between religious minority and majority groups, he said it might be well for the Sub-Commission to propose prerequisites for selecting representatives of religious minorities on the Committee so as to prevent Governments from imposing their own loyalists. Lastly, he drew attention to the danger of "the tyranny of majoritarianism" in certain countries in which constitutional and institutional guarantees, although provided by the State, often became subverted when a majoritarian regime wanted to have its own way. A study should also be made of the related question of geographically dispersed religious minorities which rendered their enjoyment of constitutional guarantees ineffective.

26. Mr. PHILLIPS (Minority Rights Group International) said he welcomed the increasing attention being paid by the international community to the problems of minorities, as was clear from the adoption in 1992 of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities and the establishment in 1995 of the Working Group on Minorities. The Working Group's activities had provided a better understanding of the principles proclaimed in the Declaration and it would be useful if its reflections on working papers could be transformed into a "set of advisory remarks" on each article of the Declaration. The discussion of specific recommendations produced by the seminar on intercultural and multicultural education, held before the Working Group's third session, could, for example, be used as the basis for the first advisory remarks.

27. Moreover, the dialogue established between Governments and NGOs during the Working Group's sessions, which had already proved constructive, could be improved even further. It was to be hoped that in future more Governments and more representatives of minority groups from Asia, Africa and Latin America would participate in the discussion; new funding was therefore essential for that purpose.

28. Cooperation should be encouraged and exchanges of experience and knowledge promoted between the Working Group and United Nations agencies and bodies that carried out programmes concerning minorities. His organization welcomed the coordinating role played by the High Commissioner for

Human Rights in convening inter-agency meetings but suggested, in order to avoid discussions from becoming purely formal, that each year the activities of one or two agencies should be explored in depth on the basis of preparatory work carried out by one or two members of the Working Group.

29. His organization urged the Sub-Commission to provide the Working Group with a permanent mandate. The Sub-Commission should also request the new High Commissioner for Human Rights to provide the Working Group with the human resources it required to carry out its task.

30. Referring to the role of the Sub-Commission, he recalled that the establishment of the Working Group did not relieve the Sub-Commission of its minority protection responsibilities and it should pursue other ways of addressing minority questions, as by requesting the Commission to consider establishing standing instructions for its thematic special rapporteurs on minorities and asking treaty bodies to include in their guidelines what type of minority information would be helpful in State reports. Lastly, the Sub-Commission should promote research, studies and the organization of seminars on minority issues.

31. Mr. MUID (African Bureau of Educational Sciences) said that the discriminatory application of the death penalty to African-Americans in the United States was of serious concern. Over 287 African-Americans had been executed in that country since the reinstatement of the death penalty in 1977. Various sources, including Amnesty International and Mr. Glélé-Ahanhanzo, the Special Rapporteur on contemporary forms of racism, racial discrimination and xenophobia and related intolerance in the reports he submitted to the Commission in 1995 and 1997 (E/CN.4/1995/78/Add.1 and E/CN.4/1997/71), had referred to that problem which concerned the State of Georgia in particular. Mr. Eide in the report he had submitted to the Sub-Commission in 1993 on possible ways and means of facilitating the peaceful and constructive solution of problems involving minorities (E/CN.4/Sub.2/1993/34), had expressed the view that the discriminatory application of the death penalty by the Government of the United States was tantamount to an act of genocide against African-Americans.

32. Intolerance was also increasing in the United States in respect of Latin Americans and in particular persons of Mexican origin who were subject to various abuses, particularly on the part of the police, and they were often employed as agricultural labourers in intolerable conditions.

33. Ms. HERBERT (African Bureau of Educational Sciences) said that the repression of minorities was unfortunately not limited to the territory of the United States. Although United Nations statistics revealed that Canada headed the list of countries in the order of their socio-economic well-being, the situation of African-Canadians and other ethnic minorities left much to be desired. Recently, in the Province of Ontario, the efforts of African-Canadians and other minorities to secure equality in the job sector had been frustrated by the repeal of an affirmative action measure which, according to the Government, discriminated against white males. Measures that had been adopted to ensure a diverse and representative police force had similarly been repealed. Furthermore, there had been a recent upsurge in police violence against black men.

34. Ethnic, cultural and linguistic minorities of African ancestry in Belize, Honduras, Nicaragua and Guatemala were not spared. The continuing marginalization in that region of the Garifuna in particular should be examined by the Sub-Commission.

35. In order to provide better protection for the rights of all minorities, the Sub-Commission should adopt a specific programme of action associating the Committee on the Elimination of Racial Discrimination and the working groups and special rapporteurs concerned. Lastly, her organization supported the recommendations addressed by the Committee on the Elimination of Racial Discrimination to the Sub-Commission on the need to prepare studies on various topics, particularly affirmative action and reservations to treaties (E/CN.4/Sub.2/1997/31) and welcomed the statement by Ms. McDougall in support of the convening of a world conference to combat racism and racial discrimination.

36. Ms. FARHI (International Council of Jewish Women) considered that the increasing number of religious conflicts and conflicts about identity taking place on the threshold of the third millennium presaged a new order in which the "retribalization" of major segments of humanity would go hand in hand with the homogenization of the world through cybernetics. In view of such contradictory tendencies, what solutions would be found by leaders to save democracy while at the same time protecting minorities and individual freedoms and promoting economic exchanges? The problem was further complicated by the fact that two basic principles had to be reconciled: the sovereignty of States and the right of peoples to self-determination. But before universal standards were formulated, agreement had to be reached on a definition of the concept of a people, an ethnic group, a minority and a nation - the example of Bosnia being most eloquent in that respect - and existing instruments applied, including the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities and the international covenants on human rights.

37. Some minorities were calling for a State, and others for autonomy or specific collective rights. Yet it should be borne in mind that the idea of territory as a political entity and source of sovereignty was a western invention which had seen the light after the Treaty of Westphalia in 1648 and had given rise to the modern political order. And it was its application at the present time by the non-western countries, contrary to their history and tradition, that gave rise to a large number of problems and to the tribal or religious solidarity which knew no frontier. Although different, the situation was scarcely ideal in the western countries - in Spain, in Scotland, in Ireland, in Belgium and in Italy - to say nothing of central and eastern Europe as well as Asia - regions and countries throughout which minorities were awakening and communities reinventing themselves. In other words, territory was less and less recognized as a support for a political identity and increasingly tolerated or solicited as an instrument of religious identity or exclusive ethnicity. In a world that would shortly be governed by Internet and financial conglomerates, the time had come to understand that nothing could replace the advantages of a democratic civil society.

38. In conclusion, her organization endorsed most of the recommendations made by the Working Group on Minorities and particularly that on the incorporation of human rights teaching in school curricula, with emphasis on the rights of women and young girls wrongly regarded as minorities.

39. Mr. GENIUSAS (International Federation of Free Journalists) said that the Sub-Commission should seek effective solutions to the problems of national minorities and other vulnerable groups such as the Albanians of Kosovo, the Bosnians, the Crimean Tartars, the Greek Cypriots, the East Timorese, the Kashmiris, the Rwandese and the Tibetans. The latter in particular had had to wage a day-to-day struggle since the Chinese invasion of 1950 for their survival and against the policy aimed at eliminating Tibetan culture. One of the most insidious tactics used for this purpose had been the settlement of Chinese within Tibet which, in a single generation, had made Tibetans a minority in their own country.

40. The situation of the indigenous peoples living in the Arctic region of the Russian Federation was scarcely any better, for most of their languages were in danger of extinction and only 50 per cent of the Khant and Nenetz were able to speak their native tongue. The Soviet presence in the Baltic States had also had serious consequences: the Russian minority in Estonia had grown from 7 per cent in 1940 to 38 per cent in 1989 and Latvians now accounted for only 52 per cent of their country's population. It was therefore natural in the circumstances that Estonia and Latvia should have adopted new citizenship laws which had already benefited thousands of persons. Those two countries had also welcomed representatives and missions of international organizations, and in particular Mr. Ayala Lasso, the former United Nations High Commissioner for Human Rights and Mr. Max van der Stoel, the OSCE High Commissioner on National Minorities, and had implemented their recommendations. Both the United Nations General Assembly and the Parliamentary Assembly of the Council of Europe had concluded their consideration of national minority issues in Estonia and Latvia. Those complicated issues could be resolved only through goodwill and in the framework of international law.

41. In conclusion, he referred to two observations made that day by Mr. Chernichenko on the subject of national minorities. In the first place the expert had suggested that in certain cases national minorities no longer appeared anxious to preserve their identity. That remark prompted the question of how a situation of that kind could have come about. The expert had also stated that the treatment of national minorities was a function of their numerical strength. Unfortunately reasoning of that nature was likely to encourage those who sought convenient solutions to minority problems.

42. Mr. SLOAN (International Service for Human Rights) said that, in accordance with the provisions of Sub-Commission resolution 1996/17 concerning the organization of seminars on themes of interest to minorities, his organization had, in collaboration with the Office of the United Nations High Commissioner/Centre for Human Rights, arranged a seminar on multicultural and intercultural education at Geneva on 23 and 24 May 1997. The participants - experts in education, other experts and members of the Working Group on Minorities - learned of the tremendous political and practical hurdles that

must be cleared before multicultural and intercultural teaching could occur in countries such as Bosnia and Herzegovina, for example, but also of the positive results achieved in other countries.

43. The seminar, which had been co-chaired by Mr. Eide, Director of the International Service for Human Rights and Mr. Bengoa, had resulted in a much-needed elaboration of the guarantees under articles 4.3 and 4.4 of the Declaration on the Rights of Persons belonging to National or Ethnic, Religious and Linguistic Minorities, as well as under article 29 of the Convention on the Rights of the Child. Emphasis had also been placed on the symbiotic relationship between minorities and the population as a whole. The report of the seminar drew special attention to the fundamental nature of the right to minority education, the fact that education was but one part of the general process of socialization, and the need for creativity and flexibility on the part of all in ensuring that education was at least multicultural. The recommendations addressed to the Working Group on Minorities emphasized the need for a greater focus on intercultural and multicultural education in the United Nations system and the importance of international cooperation and exchanges of information between various countries. His organization hoped that the report would help the Working Group in its important task and that similar seminars could be held in future.

44. Mr. PUNJABI (Himalayan Research and Cultural Foundation) said that the Declaration on the Rights of Persons belonging to National or Ethnic, Religious and Linguistic Minorities stressed the right of minorities to participate fully in the cultural, religious, social, economic and public life of their countries. In its resolution 1996/20, the Commission urged States to take all the necessary measures to that end and called upon the High Commissioner for Human Rights to continue to engage in a dialogue with the Governments concerned. He had given an account of the efforts made along these lines in documents E/CN.4/1997/79 and E/CN.4/1997/82.

45. As defined in the Declaration, in other words not only in terms of religion but also in terms of a national, ethnic or linguistic nature, there were many kinds of minorities throughout the world. Consequently, when the specific status of persons or groups was not recognized or when one group tried to dilute the particularity of another, the rights recognized in the Declaration were denied. For that reason the constitutional and legal measures that protected minorities should also be supplemented by measures of a social and administrative nature.

46. The rights of several minorities in South Asia continued to be violated as was clear from the reports of Amnesty International and other credible human rights groups. In Pakistan in particular the situation of the Christian and Shia minorities remained extremely precarious. Moreover, by declaring the Ahmadiyas to be non-Muslims, Pakistan had transformed a majority into a minority. The problem had been well documented by Amnesty International in the Sub-Commission. The situation of one minority obviously also had an impact on that of other minorities. India, for example, was now demanding that the Ahmadiyas of that country should also be declared to be non-Muslims. The Sub-Commission should examine that new dimension of the problem of minorities as well as the question of the relationship between the development of various societies and human rights.

47. Ms. LYSIAHE (International Institute for Peace) said that, according to the Declaration on the Rights of Persons belonging to National or Ethnic, Religious and Linguistic Minorities, States should protect minorities and preserve their specific identity. Humanity was inevitably diverse in appearance, colour, language and beliefs, yet today it was precisely that diversity which was the source of conflicts, as was obvious in Afghanistan, Rwanda and in the former Yugoslavia. At the same time, the structures established by nation States had become instruments for the oppression of minorities. Majority communities, using constitutional and legal devices and cultural policies, were trying to assimilate minorities by force or to marginalize them, thereby depriving them of their rights.

48. Although certain societies were trying to prevent the abuse of minority rights by the adoption of specific laws, in other cases discrimination was sanctioned by the law itself. The resulting frustration encouraged the formation of armed sub-nationalistic movements threatening the very existence of the pluralistic nation State. In the developing countries, where all citizens should cooperate in the process of nation-building, rapacious power elites were fomenting antagonism, as for example in the province of Sindh in Pakistan. Pakistan's Punjab was also being torn by sectarian strife between Sunni and Shia Muslims, because one group was trying to acquire supremacy over the others. Yet only genuine democracy could ensure the protection of all peoples and a distorted version of democracy which, in Pakistan, was sometimes called an alien concept by certain leaders was the primary cause of present conflicts.

49. The international community must therefore try to imbue nation States where discrimination against minorities still existed with the real meaning of democracy.

50. Mr. Bengoa resumed the Chair.

51. Mr. BENNET (Afro-Asian Peoples' Solidarity Organization) was of the view that a more concrete action plan had to be adopted to protect the rights of minorities, particularly as certain ostensibly democratic States were trying gradually to assimilate their minorities and deny them the right to live their lives according to their ethnic, religious or linguistic heritage. Religion was in point of fact emerging as the main instrument of repression of minorities.

52. In Pakistan, for example, institutionalized discrimination was practised by the State and certain majority communities against minorities and in particular Christians. Pakistan's Human Rights Commission as well as its media - and in particular international media - drew attention each year to the way in which the blasphemy law was used by certain extremist elements of the majority community to terrorize minorities, and Pakistan had been called upon by international human rights organizations as well as Governments to repeal that instrument. Similarly, the law on separate electorates incorporated into Pakistan's Constitution of 1985 discriminated severely against minorities by depriving them of their right to full citizenship and to vote for candidates of their choice, irrespective of their religion. Pakistan's neighbours were afraid of the effect that approach could have on

their own multi-religious and multi-ethnic societies. Various groups in certain countries of South Asia were in fact beginning to think that religious minorities should conform to the wishes of the majority.

53. Mr. NARANG (Indian Council of Education) said that ethnic diversity in most multi-ethnic States was increasingly regarded as an intrinsic component of socio-political realities and should be taken into account in development policies. For that reason, the discussions and recommendations of the Working Group on Minorities were of particular importance. The problems raised by ethnic conflicts were so varied and complex that no ready-made solution was available. Many ethnic, religious or linguistic conflicts posed the question of self-determination but that did not necessarily imply that there should be as many independent States as there were ethnic groups. History had demonstrated that the partition of a country on ethnic lines was in general inadequate because of the fluid quality of ethnic identities, as was illustrated by the example of Pakistan.

54. His organization therefore emphasized the need to recognize the danger inherent in the chauvinism of the majority community and the sectarianism of the minorities, the solution being pluralism. Although the protection of minorities and their rights depended essentially on a country's political and legal institutions, as well as on the will of its Government and people, international rules and standards also had a part to play at the national level and in relations between countries. In both those respects the Sub-Commission in general and the Working Group in particular could make a valuable contribution. The latter should, for example, take into account both socio-economic as well as political aspects, since the mobilization of ethnic and minority groups had coincided with the State-building process, urbanization, development and modernization. Lastly, his organization was of the view that the Working Group on Minorities was fully competent to propose conflict-resolution machinery.

55. Mr. TRAMBOO (International Human Rights Association of American Minorities) drew attention to the situation of minorities of African origin in the Americas. In many States of the region which had become international symbols of democracy, freedom and economic development, those minorities were not enjoying equality of opportunity because of socio-economic and psychological factors that were part of their heritage. The needs of those minorities were different from those of the dominant groups, and if they were to be satisfied, new institutions had to be created and existing ones reorganized. The situation of the Sikh and Muslim minorities which were discriminated against in India was of considerable concern. Moreover, in the State of Jammu and Kashmir, the policy pursued by the Indian authorities had resulted in transforming the Muslim majority into a minority.

56. His organization welcomed the recommendations presented by the Working Group on Minorities in its report (E/CN.4/Sub.2/1997/18) that a database should be established containing systematic information on good practices, organized according to the principles contained in the Declaration, and that the Sub-Commission, with the approval of the Commission, should transmit the "Hague recommendations regarding the education rights of national minorities" and encourage United Nations treaty bodies, in particular the Committee on the Elimination of Racial Discrimination, the Committee on the Rights of the

Child, and the Committee on Economic, Social and Cultural Rights to ensure that their questions to States parties included requests for concrete data on the States' policies on multicultural and intercultural education aimed at promoting the harmonious coexistence of minorities. In emphasizing the need to recognize the link between respect for the rights of minorities and the maintenance of national and international peace, his organization proposed that the High Commissioner for Human Rights should devise and apply conflict-prevention procedures in the framework of which minority and majority groups could engage in a dialogue and be associated with the maintenance of peace both before and after conflicts.

57. Ms. PODA (Pax Christi International) drew the Sub-Commission's attention to the situation of the Albanians in Kosovo who could not be regarded as a minority since they constituted 90 per cent of that Republic's population. The Serbian regime had imposed a state of emergency that was being prolonged by organized violence and systematic repression on the part of the police, the army and other elements acting with complete impunity. Her organization accordingly called upon the United Nations Security Council to take whatever action was necessary to put an end to the policy of the violation of human rights and fundamental freedoms in Kosovo. The prohibition of the Albanian language was strictly applied and the names of certain public institutions, enterprises and public places in Kosovo had been replaced by those of Serbian personalities. Albanian journalists continued to be harassed, arrested and ill-treated by the Serbian police. Discrimination against the Albanians of Kosovo was also being intensified in the area of education. The agreement concluded between the authorities of the Republic of Kosovo and those of the Republic of Serbia on the normalization of the Albanian educational system had never been implemented. Moreover, the health of women and children of Albanian origin was precarious.

58. Her organization also drew attention to the problem of Albanian asylum-seekers from Kosovo who, in various European countries, were in danger of being returned to their country of origin. The question of Albanian refugees should be considered in the framework of a long-term project and a just solution to the Kosovo question. The United Nations must bear in mind that so far peace had been maintained in Kosovo because its Albanians were acting in a peaceful manner; it should assume its responsibilities for the maintenance of peace in respect for the rights of individuals and peoples. So long as it remained unsolved, the question of Kosovo would be a source of disputes and even bloody conflicts which would create a series of grave crises in the Balkans.

59. The situation in Tibet was also a source of considerable concern. The Tibetan people were experiencing increasing repression aimed at doing away with their ethnic, cultural and religious identity. Contrary to article 19 of the Universal Declaration of Human Rights, Tibetans living in Tibet did not enjoy the right to freedom of expression, to religion or to form associations, and China had prohibited the teaching and study of Buddhism. Thousands of religious and political prisoners were sentenced to forced labour and ill-treated. Tibetan women were forced to undergo sterilization and abortions, and the Chinese continued to enjoy priority access to medical services in Tibet. Despite the three resolutions adopted by the United Nations General Assembly, the Chinese Government was still not

respecting the rights of that people. Another source of concern was the policy of transferring Chinese nationals to Tibet, which threatened the very existence of Tibetans and their identity. The Sub-Commission should therefore pay greater attention to the wearying human rights situation that prevailed in Tibet.

60. Her organization deplored the lack of progress made in the dialogue between the Government of Bangladesh and the Jana Samhati Samiti aimed at finding a peaceful solution to the crisis concerning the Chittagong Hill Tracts inhabited by the Summa, as well as the discrimination practised against the Korean minority in Japan, particularly in education. Indeed, contrary to article 26 of the Universal Declaration of Human Rights and article 27 of the International Covenant on Civil and Political Rights, the Japanese Government did not recognize the legal status of Korean schools in Japan. Her organization was aware that minority populations that were discriminated against in a country or region could in turn engage in discriminatory practices in areas where they were in a majority. That was to be deplored and condemned as for example in the Great Lakes region in Africa or in the former British Empire of the Indes in Asia.

61. Mr. JAWAD (International Association of Educators for World Peace), referring to the sufferings of the Turkmans in Iraq, said that that community which was the third most important after the Arabs and Kurds, was subjected to all kinds of acts of repression and persecution by the Iraqi authorities in violation of the Universal Declaration of Human Rights and the provisions of other international instruments. For example, the Turkman language could be neither taught in schools nor spoken in public establishments. The Turkmans did not have the right to buy or sell land or property or to practice their religion. In order to eradicate the Turkman community in Iraq, the authorities were engaging in a widespread campaign of "ethnic cleansing" in Turkman regions, and especially in the city of Kirkuk where the Kurds and Turkmans were being replaced by Arabs from the central and southern regions of the country. The Turkmans were expelled either to the South or to the North. Those who were sent to the "safe haven" zone, which was neither a haven nor safe, were forced to seek refuge in neighbouring countries by illegal means, thereby risking their own lives and those of their families. The Iraqi authorities had recently announced their intention to conduct a general, census, but under the Ethnic Affiliation heading respondents would have a choice between either Arab or Kurd, which denied the existence of Turkmans in Iraq. All international reports, and particularly those of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Iraq, referred to the human rights violations and acts of genocide perpetrated by the Iraqi authorities. His organization therefore implored all States and international organizations to take action to protect the Turkmans. For that purpose, Iraq must be forced to apply the resolutions of the United Nations Security Council and particularly resolution 688 (1991).

The meeting rose at 6.05 p.m.